

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Marc E. Hirschfield  
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MERIDA ASSOCIATES, INC., a Florida  
corporation, ESTATE OF ARTHUR I. MEYER,  
WILLIAM A. MEYER, GAIL M. ASARCH,  
GENERATION SKIPPING TRANSFER TAX  
EXEMPTION TRUST UNDER ARTICLE IV OF  
THE WILL OF ARTHUR I. MEYER, a Florida

Adv. Pro. No. 10-05433 (SMB)

trust, MARITAL TRUST UNDER ARTICLE VI  
OF THE WILL OF ARTHUR I. MEYER, a  
Florida trust, and SYDELLE F. MEYER, as  
personal representative, as trustee, and as an  
individual,

Defendants.

### **NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 2, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on March 31, 2014 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 36], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation prior to discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Melanie Cyganowski, from the law firm of Ottenbourg, Steindler, Houston & Rosen P.C., to act as

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Mediator in this matter. The Parties further agree to contact Melanie Cyganowski as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York  
April 11, 2014

Of Counsel:

**BAKER & HOSTETLER LLP**  
11601 Wilshire Boulevard, Suite 1400  
Los Angeles, California 90025-0509  
Telephone: 310.820.8800  
Facsimile: 310.820.8859  
Michael R. Matthias  
Email: mmatthias@bakerlaw.com

**BAKER & HOSTETLER LLP**

By: s/ Nicholas J. Cremona  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Marc E. Hirschfield  
Email: mhirschfield@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and Estate of Bernard L. Madoff*

**AKERMAN SENTERFITT**

By: s/ Michael I. Goldberg  
Las Olas Centr II, Suite 1600  
350 East Las Olas Boulevard  
Fort Lauderdale, Florida 33301-2229  
Telephone: 954.463.2700  
Facsimile: 954.463.2224  
Michael I. Goldberg  
Email: michael.goldberg@akerman.com

355 Madison Avenue, Suite 2600  
New York, New York 10017  
Telephone: 212.880.3800  
Facsimile: 212.880.8965  
Susan F. Balaschak  
Email: susan.balaschak@akerman.com  
Kathryn Schwartz  
Email: kathryn.schwartz@ackerman.com

*Attorneys for Defendants MERIDA  
ASSOCIATES, INC., a Florida corporation,  
ESTATE OF ARTHUR I. MEYER, WILLIAM  
A. MEYER, GAIL M. ASARCH,  
GENERATION SKIPPING TRANSFER TAX  
EXEMPTION TRUST UNDER ARTICLE IV  
OF THE WILL OF ARTHUR I. MEYER, a  
Florida trust, MARITAL TRUST UNDER  
ARTICLE VI OF THE WILL OF ARTHUR I.  
MEYER, a Florida trust, and SYDELLE F.  
MEYER, as personal representative, as  
trustee, and as an individual*